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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,626	09/22/2003	Christopher L. Oesterling	GP-303941 2760/123	1187

7590 09/25/2007  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
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Detroit, MI 48265-3000

EXAMINER
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NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/667,626

Applicant(s)

OESTERLING ET AL.

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 09/07/2007 have been fully considered but they are not persuasive.

In response to Applicant's remark on pages 2-5, Applicant argues that Tzamaloukas (US PAT. 6,925,378) and Fette et al. (U.S PAT. 5,612,948 hereinafter, "Fette") references cited by the Examiner does not disclosed the steps of: initiating short range wireless communication between the first vehicle and a second vehicle responsive to the primary communication mode failure, wherein the second vehicle has a vehicle communication unit enabled to communicate in the primary communication mode; and communicating the data with a service provider via a wireless carrier system to request assistance for the first vehicle using the vehicle communication unit on the second vehicle. Examiner respectfully disagrees with the Applicant argument. Applicant should refer to Tzamaloukas reference figure 1 col. 3 line 66 through col. 4 line 11 where as the Examiner interpreted initiating short range wireless communication between the first vehicle and a second vehicle responsive to the primary communication mode failure, wherein the second vehicle has a vehicle communication unit enabled to communicate in the primary communication mode i.e., the participating vehicles **exchange** traffic information, navigation information, as well as geographic database information stored and maintained local to each participating vehicle where the Examiner interpreted that the first vehicle can be exchanged data, information with the

Art Unit: 2618

second vehicle wherein it enabled to communicate with the egress points and the central server in the primary communication mode. Furthermore, the Applicant should refer to Fette reference figure 1 col. 3 lines 42-57 where as the Examiner interpreted communicating the data with a service provider via a wireless carrier system to request assistance for the first vehicle using the vehicle communication unit on the second vehicle i.e., in figure 1 if a subscriber node 16 (first vehicle) cannot directly communicate with its base node 12 (service provider), the subscriber node 16 still has a good chance of indirectly communicating with the base node 12. The indirect communication takes place through a neighbor repeating subscriber node 16' (second vehicle) that can communicate with the base node 12. Therefore, the teaching of the prior art references still read on.

Base on the above rational, it is believed that the claimed limitations are met by the references submitted and therefore, the rejection maintained.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 08/10/2007 has been considered by Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzamaloukas (US PAT. 6,925,378) in view of Fette et al. (U.S PAT. 5,612,948 hereinafter, "Fette").

Consider claim 22, Tzamaloukas teaches a method for operating a vehicle communication unit within a mobile vehicle communication system, the method comprising: attempting to operate in a primary communication mode using a vehicle communication unit on a first vehicle, wherein the communication unit is equipped to communicate in the primary communication mode (col. 4 lines 25-32); detecting a primary communication mode failure (fig. 17C col. 22 lines 9-11); initiating short range wireless communication between the first vehicle and a second vehicle responsive to the primary communication mode failure, wherein the second vehicle has a vehicle communication unit enabled to communicate in the primary communication mode (col. 3 line 66 through col. 4 line 11 and col. 22 lines 9-11); transmitting data between the first vehicle and the second vehicle via the short range wireless communication (col. 3 line 66 through col. 4 line 11).

Tzamaloukas does not explicitly show that communicating the data with a service provider via a wireless carrier system to request assistance for the first vehicle using the vehicle communication unit on the second vehicle.

In the same field of endeavor, Fette teaches communicating the data with a service provider via a wireless carrier system to request assistance for the first vehicle using the vehicle communication unit on the second vehicle (fig. 1 col. 3 lines 42-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, communicating the data with a service provider via a wireless carrier system to request assistance for the first vehicle using the vehicle communication unit on the second vehicle, as taught by Fette, in order to provide communication. If subscriber nodes cannot directly communicate with the base node, their communications may be indirectly routed to the base node through one or more repeating subscriber nodes.

Consider claims 23 and 32, Fette further teaches detecting the primary communication mode failure comprises: detecting if the vehicle communication unit cannot initiate contact with a wireless carrier system (fig. 1 col. 3 lines 42-57); and detecting if the vehicle communication unit cannot maintain communication with the wireless carrier system (fig. 1 col. 3 lines 42-57).

Consider claims 24 and 33, Tzamaloukas further teaches detecting the primary mode failure comprises determining that a GPS unit within the vehicle communication unit is unable to receive a GPS satellite broadcast from a GPS satellite broadcast system (col. 8 lines 1-11).

Art Unit: 2618

Consider claim 25 and 34, Tzamaloukas further teaches the primary communication mode is a cellular wireless connection (col. 4 lines 25-31).

Consider claims 26 and 35, Tzamaloukas further teaches the secondary communication mode is a wireless connection using a communication protocol selected from the group consisting of: IEEE 802.11 series standard, Dedicated Short Range Communication standard, and Bluetooth (col. 6 lines 15-23).

Consider claim 27, Fette further teaches the transmitting step further comprises communicating data from the first vehicle to the second vehicle via the secondary communication mode (fig. 1 col. 3 lines 42-57).

Consider claims 28 and 38, Fette further teaches the transmitting step further comprises communicating data from the second vehicle to the first vehicle via the secondary communication mode (fig. 1 col. 3 lines 42-57).

Consider claims 29 and 36, Fette further teaches the communicating step further comprises sending the transmitted data from the second vehicle to the wireless carrier system via the primary communication mode (fig. 1 col. 3 lines 42-57).

Consider claim 30, Fette further teaches the communicating step further comprises sending data from the wireless carrier system to the second vehicle via the primary communication mode (fig. 1 col. 3 lines 42-57).

Consider claim 31, Tzamaloukas teaches a method for operating a vehicle communication unit within a mobile vehicle communication system, the method comprising: attempting to operate a first vehicle communication unit on a first vehicle in a primary communication mode (col. 4 lines 25-32); detecting a primary communication mode failure due to degraded equipment on the first vehicle (fig. 17C col. 22 lines 9-11); initiating a second communication mode using a local wireless link between the first vehicle and a second vehicle responsive to the primary communication mode failure, wherein the second vehicle has a second vehicle communication unit configured to communicate using the primary communication mode (col. 3 line 66 through col. 4 line 11 and col. 22 lines 9-11).

Tzamaloukas does not explicitly show that sending a request for assistance for the first vehicle to a service provider via a wireless communication system using the second vehicle communication unit; and communicating data to complete the request for assistance between the first vehicle and the second vehicle using the second communication mode.

In the same field of endeavor, Fette teaches sending a request for assistance for the first vehicle to a service provider via a wireless communication system using the second vehicle communication unit (fig. 1 col. 3 lines 42-57); and communicating data



Art Unit: 2618

to complete the request for assistance between the first vehicle and the second vehicle using the second communication mode (fig. 1 col. 3 lines 42-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, sending a request for assistance for the first vehicle to a service provider via a wireless communication system using the second vehicle communication unit; and communicating data to complete the request for assistance between the first vehicle and the second vehicle using the second communication mode, as taught by Fette, in order to provide communication. If subscriber nodes cannot directly communicate with the base node, their communications may be indirectly routed to the base node through one or more repeating subscriber nodes.

Consider claim 37, Fette further teaches the sending step further comprises receiving a response to the request at the second vehicle via the primary communication mode (fig. 1 col. 3 lines 42-57).

Consider claim 39, Fette further teaches the communicating step further comprises sending data to the first vehicle via the secondary communication mode from the second vehicle, wherein the second vehicle received the data from a wireless communication system in response to the request for assistance (fig. 1 col. 3 lines 42-57).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building  
401 Dulany Street  
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618 *T-N*

  
**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER